

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SIDNEY GORDON and JEFFREY
TAUBER,

Plaintiffs,

v.

SONAR CAPITAL MANAGEMENT LLC,
et al.,

Defendants.

DOCKET NO. 1:11-CV-09665 (JSR)

**NOTICE OF MOTION FOR: (1) PRELIMINARY APPROVAL OF PARTIAL
SETTLEMENT; (2) CERTIFICATION OF THE CLASS FOR PURPOSES OF
SETTLEMENT; (3) APPROVAL OF NOTICE TO THE CLASS; AND (4) SCHEDULING
OF A FINAL APPROVAL HEARING**

PLEASE TAKE NOTICE that Plaintiffs Sidney Gordon and Jeffrey Tauber (“Plaintiffs”) respectfully move this Court pursuant to FED. R. CIV. P. 23 for an order: (i) preliminarily approving the proposed partial settlement (“Settlement”); (ii) certifying the proposed settlement class for purposes of the Settlement (“Settlement Class”); (iii) approving the form and manner of giving notice of the Settlement to the Settlement Class; and (iv) scheduling a hearing for final approval of the Settlement, the Plan of Allocation, and Plaintiffs’ Counsel’s motion for an award of attorneys’ fees and litigation expenses.

Any opposition papers shall be filed by February 1, 2013. The Motion shall be heard on February 6, 2013 at 4:00 p.m. by the Honorable Jed S. Rakoff. The Motion is based upon the accompanying Memorandum of Law in support thereof, the accompanying Declaration of Brian C. Kerr and the exhibits thereto, and other such matters and arguments as the Court may consider during the hearing of this Motion.

Dated: January 18, 2013

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BROWER PIVEN
A PROFESSIONAL CORPORATION

By /s/ Brian C. Kerr
David A.P. Brower
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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Brian C. Kerr, hereby certify that on January 18, 2013, I caused this Notice Of Motion For: (1) Preliminary Approval Of Partial Settlement; (2) Certification Of The Class For Purposes Of Settlement; (3) Approval Of Notice To The Class; And (4) Scheduling Of A Final Approval Hearing to be served on:

VIA ELECTRONIC MAIL

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/s/ Brian C. Kerr
Brian C. Kerr